



MONTANA'S

Clean *Indoor Air* Act

Answers to Common Questions about the Law

This document is for business owners, public school administrators, and others, to help them understand the Montana Clean Indoor Air Act, enacted by the Montana Legislature to protect public health.

Q: What is Montana's Clean Indoor Air Act?

A: The **Montana Clean Indoor Air Act** is a state law to protect all Montanans from the hazards of secondhand tobacco smoke in all enclosed places open to the public. The law also requires publicly funded schools to be maintained as tobacco-free facilities and grounds at all times, which protects students, employees, and the public from the preventable health problems caused by breathing secondhand tobacco smoke.

Q: Is secondhand tobacco smoke really that dangerous?

A: YES! Secondhand tobacco smoke is toxic and causes cancer and heart disease. Each year, an estimated 200 non-smoking Montanans die from breathing someone else's tobacco smoke in the workplace or at home. Secondhand tobacco smoke is associated with between 8,000 - 26,000 new cases of asthma in children each year and an estimated 150,000 - 300,000 new cases of bronchitis or pneumonia in children under the age of 18 months.

Q: What specific places are covered by the law?

A: The law eliminates tobacco smoke from enclosed public places, including: restaurants, stores, and public and private office buildings; trains, buses, and other forms of public transportation; healthcare facilities; auditoriums, arenas, assembly facilities, and meeting rooms; community college and Montana university system facilities; local government buildings. Importantly, this law prohibits using tobacco products *in all publicly funded schools and on school properties*. Currently some bars/taverns may request and receive an exception until October 1, 2009.

Q: When did the law go into effect?

A: The law went into effect on October 1, 2005.

Q: Are there any exceptions to the law?

A: Yes, the law does not apply to:

- Private residences (unless the residence is used as a family or group day care home, an adult foster care home, or a health care facility);
- Private vehicles;
- Hotel rooms designated as smoking rooms (A hotel may designate no more than 35 percent of its rooms as smoking rooms);
- Sites used in connection with the practice of cultural activities by Native Americans in accordance with the American Indian Religious Freedom Act;

Limited exceptions may be granted until October 1, 2009 for some bars that meet specific provisions of the law, including:

- At least 60 percent of the establishment's revenue comes from alcohol sales, gambling, or both;
- The bar allows no infiltration of tobacco smoke into an adjacent nonsmoking area.

Q: How is a bar defined in the law?

A: A bar means an establishment licensed to serve alcoholic beverages for consumption by guests or patrons on the premises, and in which serving food is only incidental to the service of alcoholic beverages and/or gambling operations. This includes, but is not limited to, taverns, night clubs, cocktail lounges, and casinos.

Q: How can a bar or gaming facility apply for an exception?

A: A bar or gaming facility may apply to the department for a certificate that grants an exception from the provisions of the law, thus allowing smoking to occur on premises until no later than October 1, 2009. An application may be obtained from the Montana Department of Public Health and Human Services, Montana Tobacco Use Prevention Program, P.O. Box 202951, Helena, MT 59620-2951.

Q: How will the Montana Clean *Indoor Air Act* affect businesses?

A: For most businesses and workplaces in Montana, the law will not alter existing policies that have been in place for years. Many recent studies show that comprehensive smokefree laws do not have adverse economic impacts on restaurants and other businesses. In fact, smokefree businesses often save money because:

- The risk of fire is reduced.
- Fire insurance commonly costs 25-30 percent less for smokefree businesses.
- Cleaning costs may be reduced by as much as 10 percent.
- Many insurance companies offer discounts on life, disability, and medical insurance for nonsmokers.
- Employees who smoke cost their employer an average of \$3,391 annually in lost productivity and excess medical expenditures.

Q: What are the penalties for violations of the law?

A: An individual who owns, manages, operates, or otherwise controls a public place or place of employment, and who permits smoking in that place, is guilty of a misdemeanor after a third violation within a three-year period. These individuals may be penalized as follows:

- A warning for the first violation;
- A written reprimand for the second violation;
- Within a three-year period, a fine of:
 - ✓ \$100 for a third violation
 - ✓ \$200 for a fourth violation
 - ✓ \$500 for a fifth or subsequent violation

When a violation constitutes a misdemeanor, the local health department will work with the city or county attorney in the county in which the violation occurred. The law also stipulates that an individual (employee or customer) who smokes in an area where smoking is prohibited is guilty of a misdemeanor and subject to a fine of between \$25 and \$100.

Q: Who is responsible for enforcing the law?

A: The law directs the Montana Department of Public Health and Human Services, local boards of health, and their designees to be responsible for supervising and enforcing the law. Enforcement is primarily based upon formal complaints submitted by Montana citizens either to their local health department or to the Montana Department of Public Health and Human Services. The Montana Tobacco Use Prevention Program is responsible for coordinating implementation of the law.

Q: How do I file a complaint about a possible violation?

A: An individual who believes that a violation of the Montana Clean Indoor Air Act has occurred may file a written complaint with the Montana Department of Public Health and Human Services or the local health department. Complaint forms are available at:

<http://tobaccofree.mt.gov/cleanairact/montanacleanindoorairact.shtml>

Send your complaint form to your local health department or to:

Montana Department of Public Health and Human Services
Montana Tobacco Use Prevention Program
PO Box 202951
Helena, MT 59620-2951

Q: Does the State of Montana offer signs I can post that indicate smoking is not allowed in my business or on public school property?

A: YES. The Montana Department of Public Health and Human Services provides businesses and schools with free no-smoking signs and educational materials for their customers and employees. Information is available at:

<http://tobaccofree.mt.gov/cleanairact/montanacleanindoorairact.shtml>

Q: Where can I obtain or view the law and administrative rules in entirety?

A: The full language of the law may be seen or downloaded at:

<http://data.opi.state.mt.us/bills/2005/BillPdf/HB0643.pdf>

The administrative rules may be seen or downloaded at:

<http://tobaccofree.mt.gov/cleanairact/finalciaarules.pdf>

Need More Information on Montana's Clean *Indoor Air* Act?

Contact the Montana Tobacco Use Prevention Program for more information and for the names of local educators or representatives who may be able to answer your questions.

Montana Tobacco Use Prevention Program

PO Box 202951

Helena, MT 59620-2951

Toll-Free Information Line: 866-787-5247

Website: www.tobaccofree.mt.gov